

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JACK MARTELL, LYNN VOGEL and)	
WILLIAM B. VOGEL,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 08-4310-CV-C-SOW
)	
ALZA CORPORATION, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is an Application for Approval of Wrongful Death Settlement (Doc. #61). Plaintiffs Jack Martell, Lynn Vogel, and William Vogel appear by and through their attorney and by affidavit; and Defendants ALZA Corporation and Sandoz, Inc. were properly noticed of said hearing and appear by and through their attorneys.

The parties agree to waive jury and submit all issues in the application for approval of compromise settlement to the Court for determination which waiver is expressly approved by the Court. The parties, having advised the Court that Plaintiffs have, subject to the approval of the Court, agreed to a compromise settlement of any and all claims which they might have as a result of the occurrences described in the complaint. The parties further state to the Court that said settlement of the claim for the alleged wrongful death of Louise Vogel, deceased, has been reached between Plaintiffs, for and on behalf of all persons who may be entitled to sue and recover for same, and Defendants who may be liable for the injuries and death of Louise Vogel, deceased. Further, that said settlement shall settle all claims against these Defendants for survival actions of said deceased as well as the action for wrongful death and for any medical bills and expenses incurred in the care and treatment of Louise Vogel, deceased, and any funeral expenses, and is contingent only upon approval by this Court. Plaintiffs further understand and acknowledge they are settling this

matter on behalf of the class of individuals entitled to recover damages based on the death of Louise Vogel.

Accordingly, it is hereby

ORDERED that the Application for Approval of Wrongful Death Settlement (Doc. #61) is granted. It is further

ORDERED that after hearing all of the evidence and being fully advised in the premises:

That it is in the best interest of Plaintiffs and all persons entitled to distribution of the proceeds that the above-described settlement be approved, and it is so ordered.

That, at the time of Louise Vogel's death, Decedent was married and survived by her husband Jack Martell and two sons, Lynn Vogel and William Vogel, and therefore the Plaintiff is the proper person entitled to bring this action on behalf of all persons who may be entitled to sue and recover damages for the alleged wrongful death of Louise Vogel, deceased. The Court further finds that the persons entitled, pursuant to Section 537.080, to make claim for the alleged wrongful death of Louise Vogel and to share in the settlement proceeds are: Jack Martell, surviving spouse, and Lynn Vogel and William Vogel, surviving sons.

Plaintiff has agreed to pay out of the proceeds of the settlement the attorney's fees and litigation expenses in an amount indicated on the record at the hearing on this Application which the Court approves as fair and reasonable.

The Court, therefore, approves the settlement and orders and directs the approved settlement amount to be distributed as indicated at the hearing of this Application.

/s/ Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

DATED: December 16, 2010